

**K.A.R. 28-19-562 CLASS II OPERATING PERMITS; PERMIT-BY-RULE  
ORGANIC SOLVENT EVAPORATIVE SOURCES**

(a) For purposes of this regulation, an organic solvent evaporative source is any stationary source that:

(1) purchases or uses materials that contain volatile organic compounds, hazardous air pollutants, or both, used in cleaning solvents, printing operations, adhesives, or surface coatings; and

(2) does not contain emission units, other than organic solvent evaporative sources, that alone, or in combination with all organic solvent evaporative sources, would require that the source obtain a class I operating permit solely because of its potential-to-emit.

(b) Any organic solvent evaporative source that purchases all of the materials containing volatile organic compounds and hazardous air pollutants used at the source may demonstrate compliance with this regulation by keeping records of the volatile organic compounds and hazardous air pollutants purchased or used. Any source that uses materials containing volatile organic compounds or hazardous air pollutants that were not purchased by the source shall demonstrate compliance with this regulation by keeping records of the volatile organic compounds and hazardous air pollutants used at the source, unless otherwise authorized by the department in writing.

(c) An organic solvent evaporative source that in any consecutive twelve-month period either purchases or uses materials that contain less than a total of nine tons of volatile organic compounds or hazardous air pollutants, or both, shall be presumed to have a potential-to-emit of less than 100 tons of volatile organic compounds per year, less than 25 tons of any combination of hazardous air pollutants per year, and less than ten tons of a single hazardous air pollutant per year. Such a source may elect to operate pursuant to this regulation in lieu of obtaining a class I or class II operating permit, provided that the source complies with the requirements of subsection (f) if it either purchases or uses materials that contain nine tons or more of volatile organic compounds, hazardous air pollutants, or both in any consecutive twelve-month period.

(d) An organic solvent evaporative source that in any consecutive twelve-month period either purchases or uses materials that contain less than a total of 90 tons of volatile organic solvents, less than a total of 22.5 tons of any combination of hazardous air pollutants, or less than a total of

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nine tons of any single hazardous air pollutant, may operate pursuant to this regulation and K.A.R. 28-19-542 if the owner or operator:

(1) maintains on-site records demonstrating that the restrictions specified in this regulation have not been exceeded. Records shall be updated monthly, no later than the last day of the month following the month to which the records relate; and

(2) annually submits to the department by April 1 of each year, on forms provided or approved by the department, a report of the tons of volatile organic solvents, total hazardous air pollutants, and single hazardous air pollutants purchased or used by the source during the preceding calendar year.

(e) If, at the end of any calendar quarter, the purchase or use for the past four calendar quarters, including the most recent calendar quarter, has exceeded 85% of any of the restrictions on the purchase or use of volatile organic solvents and hazardous air pollutants specified in this regulation under which the owner or operator has elected to operate, the owner or operator shall report to the department the amount purchased or used in the past four calendar quarters. The actual amount purchased or used shall be reported in the same units as the limitations specified in this regulation. The report shall be submitted to the department within 45 days of the last day of the month following the end of the calendar quarter.

(f) If, at any time, an organic solvent evaporative source that has elected to operate in accordance with the terms of this regulation fails to meet any of the applicable requirements of this regulation, the owner or operator shall notify the department in writing, the notice to be mailed or delivered the first working day following discovery of the failure to meet any requirement. Within 60 days of discovery of any failure to meet a requirement, the owner or operator of the elevator shall submit to the department a compliance plan identifying those actions being taken by the owner or operator to assure future compliance with the applicable restrictions or to otherwise bring the source into compliance with this regulation or the Kansas air quality statutes and regulations. The owner or operator shall also file an application for any required operating permit within 180 days of discovery of an exceedance of any applicable restriction. Compliance with the requirements of this subsection does not

shield the owner or operator from enforcement action for exceeding any applicable restriction or for other violations of the Kansas air quality act or regulations.

(g) A source that elects to operate in accordance with this rule shall continue to be subject to all other applicable requirements of the Kansas air quality statutes and regulations. (Authorized by K.S.A. 1993 Supp. 65-3005; implementing K.S.A. 1993 Supp. 65-3008; effective Jan 23, 1995.)

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EPA Rulemakings

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Description: This revision adopts this new rule to establish the conditions for issuance of a permit-by-rule to specific source categories.

[illegible]

### Difference Between the State and EPA-Approved Regulation

None.